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8 *Attorneys for Plaintiff*

9 **UNITED STATES DISTRICT COURT**

10 **DISTRICT OF NEVADA**

11  
12 CUSTOM PAK, INC.

13 Plaintiff

14 v.

15 FIGOTA PRODUCE CO., LLC and  
16 JOSE FIGUEROA

17 Defendants

CASE NO.: 2:23-cv-00107-CDS-BNW

**FINAL JUDGMENT**

**[ECF No. 15]**

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19 UPON CONSIDERATION of plaintiff Custom Pak, Inc.'s Motion for Entry  
20 of Default Judgment, the memorandum in support, the declarations of plaintiff's  
21 representative and plaintiff's attorneys and the exhibits annexed thereto, and  
22 plaintiff's complaint demonstrating that: plaintiff and defendant Figota Produce Co., LLC  
23 ("Figota") are licensed dealers under the Perishable Agricultural Commodities Act  
24 ("PACA"), 7 U.S.C. § 499a *et seq.*; plaintiff sold wholesale quantities of produce to  
25 Figota for which it has not been paid; defendant Jose Figuero is and was the owner,  
26 officer, and/or director of Figota; plaintiff's invoices included the language required by  
27 7 U.S.C. § 499e(c)(4) to preserve its rights under the trust provision of the Perishable  
28 Agricultural Commodities Act ("PACA"), 7 U.S.C. § 499e(c)(2); and plaintiff's

1 invoices entitle it to interest at the rate of 18% per annum and attorneys' fees and costs in  
2 the event of non-payment; and finding that interest, attorneys' fees, and costs are  
3 "sums owing in connection with" the produce sales; and it further appearing that  
4 defendants failed to plead or otherwise appear in this action; and that defendants  
5 are not infants, incompetent persons, or in the military service of the United States,

6 **IT IS HEREBY ORDERED, ADJUDGED AND DECREED** that default  
7 judgment is hereby entered in favor of Custom Pak, Inc. and against defendants Figota  
8 Produce Co., LLC and Jose Figueroa, jointly and severally, pursuant to the trust  
9 provision of the Perishable Agricultural Commodities Act, 7 U.S.C. § 499e(c), in the  
10 total amount of \$78,953.62.

11 DATED: July 5, 2023

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14 United States District Judge  
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